

ALLEGED SHIPMENT: On or about November 24 and 29, 1948, from the State of Ohio into the States of Florida and Tennessee.

PRODUCT: Analysis disclosed that the *Bible Way Tonic* was a dark red hydro-alcoholic liquid flavored with peppermint, containing chiefly plant extractives, including emodin-bearing drugs; that the *Bible Way Anointing Oil* consisted essentially of mineral oil and turpentine; and that the *drug capsules* contained salt and plant extractives.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the bottle label and in the circular entitled "In God We Trust" accompanying the *Bible Way Tonic* and certain statements on the bottle label of the *Bible Way Anointing Oil* were false and misleading. These statements represented and suggested that the *Bible Way Tonic* would be efficacious in the cure, mitigation, and treatment of tuberculosis, asthma, rheumatism, arthritis, high blood pressure, syphilis, sores, low blood pressure, and bronchial asthma, and would be efficacious as a building tonic for run-down conditions; and that the *Bible Way Anointing Oil* would be efficacious in the cure, mitigation, and treatment of aching muscles, arthritis, neuritis, rheumatic pains, and other human body pains. The articles would not be efficacious for the purposes represented.

Further misbranding, Section 502 (b) (2), the *Bible Way Tonic*, the *Bible Way Anointing Oil*, and the *drug capsules* failed to bear labels containing accurate statements of the quantity of the contents; and, Section 502 (f) (1), the labeling of the *drug capsules* failed to bear adequate directions for use in that there was no statement in the labeling of any condition, disease, or function for which the capsules were to be used.

DISPOSITION: May 22, 1950. A plea of guilty having been entered, the court imposed a total fine of \$200 and sentenced the defendant to serve one year in jail on each of the four counts of the information. The jail sentence was suspended and the defendant was placed on probation for four years, conditioned that he no longer engage in the drug business in any manner.

3148. Misbranding of Sun-O-Ray Compound and Sun-O-Ray Inhalator. U. S. v. George R. Thurman (Sun-O-Ray Products). Plea of nolo contendere. Fine of \$10, plus costs, and sentence of 1 hour in custody of United States marshal. (F. D. C. No. 28146. Sample Nos. 46440-K, 46521-K.)

INFORMATION FILED: March 30, 1950, Eastern District of Missouri, against George R. Thurman, trading as Sun-O-Ray Products, St. Louis, Mo.

INTERSTATE SHIPMENT: On or about January 17, 1949, from the State of Illinois into the State of Missouri.

ALLEGED VIOLATION: Between the approximate dates of January 28 and 31, 1949, while the articles were held for sale after shipment in interstate commerce, the defendant prescribed, recommended, and suggested, by oral statements to the public, uses of the articles in combination and use of the *Sun-O-Ray Compound* singly for various diseases, symptoms, and conditions for which adequate directions for use did not appear in the labeling, which acts of the defendant resulted in the articles being misbranded.

LABEL, IN PART: "Sun-O-Ray Inhalator Directions: Drop Sun-O-Ray fluid into large end of inhalator until cotton is moist. Inhale vapor by placing small end of tube to one nostril at a time, keeping other nostril closed. Use as required. Add more Sun-O-Ray every few days as needed" and "Sun-O-Ray Compound Directions: As a Liniment: Rub and massage well over the skin, where there is soreness or pain due to minor causes. As an inhalation:

A few drops in a basin of hot water, inhaled deeply, will bring relief from stuffed-up head, accompanying colds. In the Inhalator: The use of this preparation before retiring aids comfortable breathing * * * Sun-O-Ray Products 8323 So. Crandon Ave. Chicago 17, Ill."

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the articles failed to bear adequate directions for use in the prevention and treatment of sinusitis, arthritis, weak eyes, pyorrhea, bad tonsils, catarrh, colds, infection of the eyes, running of the ears, loss of teeth, polio, and tuberculosis, in the lubrication of the eyes and joints, and in the killing of germs and purification of the air, which were the diseases, symptoms, conditions, and purposes for which the articles were prescribed, recommended, and suggested by the defendant as stated above.

DISPOSITION: May 10, 1950. Following the removal of the criminal proceedings against the defendant to the Northern District of Illinois for the entry of a plea, a plea of nolo contendere was entered and the court imposed a fine of \$10 and costs, and sentenced the defendant to serve 1 hour in the custody of the United States marshal.

3149. Misbranding of Spectro-Chrome. U. S. v. 1 Device * * * (and 26 other seizure actions). (F. D. C. Nos. 16788, 16789 to 16791, incl., 16820 to 16822, incl., 16824, 16827, 16836, 16903 to 16906, incl., 16920, 17017, 17020, 17270 to 17272, incl., 17276, 17279, 17679, 18139, 18140, 18829, 18888. Sample Nos. 3227-H, 4094-H, 4145-H, 4157-H, 4173-H, 4176-H to 4178-H, incl., 4848-H, 16305-H, 16307-H, 16309-H, 16313-H to 16317-H, incl., 16334-H, 16336-H, 16347-H, 16348-H, 16910-H, 16911-H, 17395-H to 17399-H, incl.)

LIBELS FILED: Between July 16, 1945, and January 31, 1946, Eastern District of Wisconsin, Eastern District of Pennsylvania, and Eastern District of Virginia.

ALLEGED SHIPMENT: Between the early part of 1943 and November 11, 1945, by Dinshah P. Ghadiali, from Newfield, N. J.

PRODUCT: 27 *Spectro-Chrome* devices at Milwaukee, West Bend, Racine, Sheboygan, Barton, Sheboygan Falls, and Hartford, Wis.; Egypt, Pa.; and Portsmouth, Va.

Examinations showed that the device consisted essentially of a cabinet equipped with an electric light bulb, an electric fan, a container for water, glass condenser lenses, and glass slides, each of a different color. The cabinet had an opening in the front in which the glass slides could be inserted and through which the light from the bulb would emit.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the label of each device were false and misleading. The statements on the labels of some of the devices represented and suggested that the devices were capable of measuring and restoring human radioactive and radioemanative equilibrium (normalization of imbalance) by attuned color waves; and the statements on the label of other devices represented and suggested that the devices were capable of restoring, maintaining, or otherwise favorably influencing the health of the user. The devices were incapable of measuring and restoring human radioactive and radioemanative equilibrium (normalization of imbalance) by attuned color waves since the devices were incapable of performing any function of measurement; there is in the human system no radioactive or radioemanative equilibrium; the use of color waves would have no effect on normal-